

**REMARKS**

Claims 36-39 are all the claims pending in the application, each of which is rejected under 35 U.S.C. § 103(a) as being unpatentable over Amirpanahi in view of Okajima. Applicant respectfully traverses the rejection.

Claim 36 recites a system for managing usage of a parking space. The system determines calculate a usage fee based on the elapsed usage time and two-tier pricing that charges a fixed price per time up to a predetermined usage time and thereafter charges an increasingly higher variable price per time.

Amirpanahi is cited for disclosing all the limitations of claim 36 except for two-tiered pricing. Okajima is cited for disclosing that limitation. It is respectfully submitted, however, that even if Amirpanahi were modified to include the alleged two-tier pricing disclosed in Okajima, the combination still would not meet all the limitations in the claims.

Claim 36 requires not just a two-tier pricing structure, but a pricing structure in which the second tier includes a variable price that increases over time. Okajima does not disclose such a feature. Even if Okajima is deemed to disclose a two-tier rate structure, it does not teach or suggest that the second tier is a variable rate or that it varies by time.

Okajima does not disclose or suggest the claim limitation of “an increasingly higher variable price per time.” Rather, Okajima discloses only fixed rates, namely a short-term rate which is “no cost or a low-fee” and a penalty charge which is “fairly higher (about 2 to 3 times).” The penalty charge of 2 to 3 times the short-term rate is merely a fixed multiple of the short-term fee. While Okajima's penalty charge is increased relative to the short-term fee, the penalty charge itself does not increase relative to time. Effectively, Okajima requires the parking lot to

be divided into two areas. The long-term (“general”) section appears to have no process to deal with parking beyond any time limit. Only the short-term section has this capability. The payment machine at the exit is able to distinguish between short-term and long-term tickets, and adjust the charge accordingly. In the case of those short-term tickets, a penalty charge is calculated if the time limit is exceeded. Okajima discloses only that the penalty is a fixed charge, which does not vary according to the length of any overstay. Okajima neither teaches nor suggests a scale of charges that increases progressively as the duration of the stay increases. Accordingly, even if the teachings of Amirpanahi were modified to use the pricing structure of Okajima the combination would not include all the features of claim 36. Further, Okajima's penalty charge is insensitive to, and independent of; the length of an overstay and thus, cannot act as a disincentive to reduce the length of the overstay.

Claims 37 depends from claim 36 and is patentable for at least the same reasons.

Claim 38 also recites calculating a usage fee based on the elapsed usage time and two-tier pricing that charges a fixed price per time up to a predetermined usage time and thereafter charges an increasingly higher variable price per time. Accordingly, the asserted Amirpanahi/Okajima combination does not satisfy all the limitations of claim 38.

Claim 39 depends from claim 38 and is patentable for at least the same reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.111  
Application No.: 09/807,608

Attorney Docket No.: Q63675

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

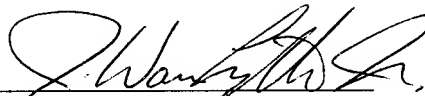
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
J. Warren Lytle, Jr.  
Registration No. 39,283

Date: May 18, 2007